

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-1434 (8:20-cv-01502-PJM)

In re: INVESTORS WARRANTY OF AMERICA, LLC,

Petitioner.

**INVESTORS WARRANTY OF AMERICA, LLC’S MOTION FOR LEAVE
TO FILE REPLY IN SUPPORT OF PETITION FOR WRIT OF
MANDAMUS**

On June 5, 2024, the Court ordered interested parties to file an answer to the Petition for Writ of Mandamus filed by Petitioner Investors Warranty of America, LLC (“IWA”). On June 17, 2024, Respondent Rock Spring Plaza II, LLC (“Plaza”) submitted a sealed answer to the Petition. Although reply briefs are permitted on motions and for appellate briefs (*see* Rules 27(a)(4) and 28(c), Fed. R. App. P.; Local Rule 27(d)(2)), no rule permits replies in support of mandamus petitions absent leave of Court (*see* Rule 21, Fed. R. App. P.).

Plaza spends the majority of its answer improperly arguing the purported merits of its underlying claims against IWA rather than meaningfully addressing the district court’s continued improper invasion of IWA’s attorney-client privilege. The one-sided soliloquy framing Plaza’s characterization of this dispute merits a brief response. Plaza’s response is rife with misstatements and hyperbole directed at convincing this Court that it should not consider IWA’s Petition. Indeed, Plaza now

claims it has taken positions below that it absolutely did not take, going so far as to use a fabricated “quote” from its counsel, which was not only never uttered but fully contradicts what he actually said. Finally, Plaza’s answer misleadingly relies on inapposite cases without any acknowledgment that the holdings cited do not involve the attorney-client privilege. Given the potential for manifest injustice and irreparable harm, Plaza’s answer should not stand without a reply. Accordingly, IWA seeks leave of Court to file the short, attached Reply Brief in Support of its Petition for Writ of Mandamus. Rock Springs Drive, LLC, IWA’s codefendant in the underlying case, has consented to this motion.

Dated: June 24, 2024

Respectfully submitted,

/s/Rebecca A. Davis

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*Counsel for Investors Warranty of
America, LLC*

CERTIFICATE OF SERVICE

I certify that on June 24, 2024, a copy of the foregoing Investors Warranty of America, LLC's Motion for Leave to File Reply in Support of Petition for Writ of Mandamus was served by third party commercial overnight carrier (FedEx) and scheduled for delivery on the following person at the address below:

The Honorable Peter J. Messitte
United States District Court for the District of Maryland
6500 Cherrywood Lane, Suite 475
Greenbelt, MD 20770

I further certify that on January 24, 2024, a copy of Investors Warranty of America, LLC's Motion for Leave to File Reply in Support of Petition for Writ of Mandamus was served electronically via ECF to all counsel of record.

Dated: January 24, 2024

Respectfully submitted,

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